

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ALFRED CUELLAR §
VS. § CIVIL ACTION NO. 9:17-CV-100
DIRECTOR, TDCJ-CID,
BRAD LIVINGSTON, *et al.*, §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Alfred Cuellar, an inmate confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several defendants.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this civil rights action be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed.¹

¹This Court entered a Memorandum Opinion and Order, ordering plaintiff to pay the full filing fee on June 23, 2017 (docket entry no. 8). The Memorandum Opinion and Order advised plaintiff that failure to do so would result in dismissal of this case for want of prosecution. Plaintiff did not pay the full filing fee as ordered. The Report and Recommendation referenced above was filed on October 2, 2017 (docket entry no. 9). Plaintiff received the Report and Recommendation on October 12, 2017 (docket entry no. 10).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So Ordered and Signed

Jan 22, 2018



Ron Clark, United States District Judge